REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-24 are presently pending in this case. Claims 11-13, 15, and 17-23 are amended by the present amendment. As amended Claims 11-13, 15, and 17-23 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claim 23 was objected to; the specification was objected to; Claims 11-14 and 17-21 were rejected under 35 U.S.C. §102(b) as anticipated by Misawa (Japanese Patent Application Publication No. 2002-208900); Claims 11-14, 17, 19 and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Misawa (Japanese Patent Application Publication No. 2002-208900) in view of Nakamura (Japanese Patent Application Publication No. 2002-344842); and Claims 15, 16, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over Ikuo et al. (Japanese Patent Application Publication No. 2002-342351, hereinafter "Ikuo") in view of Misawa.

With regard to the information disclosure statements filed July 21, 2006 and December 18, 2007, the outstanding office action stated that "the objection is withdrawn," but did not provide initialed form 1449s indicating all of the references on these statements as being considered. Accordingly, *PTO forms 1449s indicating these references as considered are respectfully requested with the next office communication.*

With regard to the objection to Claim 23, Claim 23 is amended as suggested in the outstanding Office Action. Accordingly, the objection to Claim 23 is believed to be overcome.

With regard to the objection to the specification, paragraph 150 of the publication of the specification describes that broadcast contents information concerning radio programs

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[1] See, e.g., the publication of the specification at paragraph 150.

scheduled to broadcast in the future can be analyzed by the described invention. With regard to Claims 19 and 20, paragraphs 34 and 56 of the publication of the specification describe that computer programs can be stored in RAM or ROM and read out by a CPU. It is respectfully submitted that one of ordinary skill in the art would clearly recognize that this supports the computer readable medium recited in Claims 19 and 20. With regard to Claim 11, paragraph 90 of the publication describes that client terminal 2 determines whether or not the detection period has passed, not server PS. With regard to Claim 14, paragraph 83 of the specification describes that a user can specify a detection period. With regard to Claims 15 and 22, paragraph 46 of the specification describes that client terminal 2 communicates with server PS through communication processing section 16 and network interface 17. Finally, with regard to Claim 16, paragraph 90 of the specification describes that client terminal 2 determines if the predetermined time period has passed, and if so sends a request to server PS. The predetermined time periods are described in paragraph 82 of the specification. Consequently, the objection to the specification is believed to be overcome.

With regard to the rejection of Claims 11-14 and 17-21 as anticipated by Misawa, that rejection is respectfully traversed.

Amended Claim 11 recites in part:

> a determining unit configured to determine if a condition relative to a predetermined time period is met; and a communication unit configured to automatically transmit to a server a request for *obtaining a number of times contents will be broadcasted during a future time period* when the condition relative to the predetermined time period is met, and to *receive the number of times contents will be broadcasted during a future time period* from said server as a response to the request.

Misawa describes an on-air information collecting system that appears to automatically collect on-air information based on recordings of what has already been played on the radio stations being tracked. In particular, paragraphs 14 and 15 of Misawa appear to

describe that the audio data is received from a variety of radio stations by the center 1, and

the center 1 analyzes the audio data using voice detection software to determine the content

that was broadcasted.[2] Accordingly, the device of Misawa cannot determine any broadcast

content information for content that *will be played in the future*, as the only data it receives is

actual broadcasted audio data. In particular, Misawa does not describe any device configured

to transmit to a server a request for obtaining a number of times contents *will be broadcasted*

during a future time period, or to *receive the number of times contents will be broadcasted*

during a future time period. Further, to modify the device of Misawa to collect data on

content to be broadcasted in the future would be a substantial redesign of the device of

Misawa. Thus, it is respectfully submitted there would be no suggestion or motivation to

make such a modification. Therefore, it is respectfully submitted that Misawa cannot teach

"a communication unit" as defined in amended Claim 11. Consequently, Claim 11 (and

Claims 12-14 and 23 dependent therefrom) is patentable over Misawa.

Amended Claims 17 and 19 recite in part:

> automatically transmitting request information to
> request broadcast contents information to a storage device
> configured to store *broadcast contents information including*
> *the titles of the broadcast contents that will be broadcasted*
> *during a future time period* by one or more broadcasting
> stations each time an amount of time equal to a predetermined
> time period elapses;
> receiving the broadcast contents information
> transmitted from said storage device corresponding to the
> request information; and
> *detecting a number of times contents will be*
> *broadcasted during a future time period* included in the
> broadcast contents information received in said transmitting.

Misawa describes an on-air information collecting system that appears to only collect

broadcast content information for audio data has already been broadcasted. Thus, it is

respectfully submitted that Misawa does not describe automatically transmitting request

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[2]See Misawa, paragraph 15.

information to request broadcast contents information to a storage device configured to store

broadcast contents information including the titles of the broadcast contents that will be

broadcasted during a future time period, or *detecting a number of times contents will be*

broadcasted during a future time period. Therefore, it is respectfully submitted that <u>Misawa</u>

does not teach "transmitting" and "detecting" as defined in amended Claims 17 and 19.

Consequently, Claims 17 and 19 are patentable over <u>Misawa</u>.

Amended Claims 18 and 20 recite in part:

> *storing broadcast contents information including the*
> *broadcasting time and date and the titles of the broadcast*
> *contents that will be broadcasted during a future time period*
> by one or more broadcasting stations in a storage medium;
> receiving search condition information to specify at
> least one of the title and the broadcasting station name of a
> broadcast program as a search condition from an external
> device;
> searching said storage medium for broadcast contents
> information corresponding to said search condition based on
> said search condition information received in said receiving;
> *determining a number of times contents will be*
> *broadcasted during a future time period* in the broadcast
> contents information that was obtained as the search result in
> said searching; and
> *transmitting information based on said number of*
> *times contents will be broadcasted during a future time period*
> for said broadcast contents detected in said determining to said
> external device.

Misawa describes an on-air information collecting system that appears to only collect

broadcast content information for audio data has already been broadcasted. Thus, it is

respectfully submitted that <u>Misawa</u> does not describe storing broadcast contents information

including the broadcasting time and date and the titles of the broadcast contents *that will be*

broadcasted during a future time period, determining a number of times contents *will be*

broadcasted during a future time period, or transmitting information based on a number of

times contents *will be broadcasted during a future time period*. Therefore, it is respectfully

submitted that <u>Misawa</u> does not teach "storing," "determining", and "transmitting" as defined

in amended Claims 18 and 20. Consequently, Claims 18 and 20 are patentable over <u>Misawa</u>.

Amended Claim 21 recites in part:

> determining means for determining if a condition
> relative to a predetermined time period is met; and
> ***communication means for automatically transmitting***
> ***to a server a request for obtaining a number of times contents***
> ***will be broadcasted during a future time period*** when the
> condition relative to the predetermined time period is met, and
> ***receiving the number of times contents will be broadcasted***
> ***during a future time period*** from said server as a response to
> the request.

As noted above, <u>Misawa</u> describes an on-air information collecting system that

appears to only collect broadcast content information for audio data has already been

broadcasted. Thus, <u>Misawa</u> does not describe any means for automatically transmitting to a

server ***a request for obtaining a number of times contents will be broadcasted during a***

future time period, or receiving the number of times contents ***will be broadcasted during a***

future time period. Therefore, it is respectfully submitted that <u>Misawa</u> does not teach

"communication means" as defined in amended Claim 21. Consequently, Claim 21 is

patentable over <u>Misawa</u>.

With regard to the rejection of Claims 11-14 and 17-21 as unpatentable over <u>Misawa</u>

in view of <u>Nakamura</u>, that rejection is respectfully traversed.

In particular, it is respectfully submitted that <u>Nakamura</u> does not cure the above-noted

deficiencies of <u>Misawa</u>. Accordingly, Claims 11-14 and 17-21 are also patentable over

<u>Misawa</u> in view of <u>Nakamura</u>.

With regard to the rejection of Claims 15, 16, and 22 as unpatentable over <u>Ikuo</u> in

view of <u>Misawa</u>, that rejection is respectfully traversed.

Amended Claim 15 recites in part:

> a storage unit configured to store broadcast contents
> information including the broadcasting time or date, and titles
> of the broadcast contents;
> *a communication unit configured to receive from an*
> *external device a request for obtaining a number of times*
> *contents will be broadcasted during a future time period* and a
> search condition including at least one of a broadcasting
> period, a title, and a broadcasting station, said communication
> unit configured to *transmit to said external device the*
> *information representing the number of times contents will*
> *be broadcasted during a future time period* as a response to
> the request; and
> a controller configured to *search said storage unit and*
> *to generate information representing said number of times*
> *contents will be broadcasted during a future time period*
> based on said search condition.

Ikuo describes a system in which a database stores a program code corresponding to

musical pieces already played on the radio. In particular, paragraphs 34 and 35 of Ikuo

describe that data is collected based on the program code broadcast with a program.

Accordingly, the device of Ikuo cannot determine any broadcast content information for

content that *will be played in the future*, as the only data it receives is actual broadcasted

audio data. In particular, Ikuo does not describe any device configured to receive from an

external device a request for obtaining a number of times contents *will be broadcasted during*

a future time period, to transmit to an external device the information representing the

number of times contents *will be broadcasted during a future time period*, or to search a

storage unit and to generate information representing a number of times contents *will be*

broadcasted during a future time period. Further, to modify the device of Ikuo to collect

data on content to be broadcasted in the future would be a substantial redesign of the device

of Ikuo. Thus, it is respectfully submitted there would be no suggestion or motivation to

make such a modification. Finally, as noted above, Misawa appears to only describe

collecting broadcast content information for audio data has already been broadcasted, and

thus cannot cure any the above noted deficiencies of Ikuo. Therefore, it is respectfully

submitted that the proposed combination does not teach "a communication unit" and "a

controller" as defined in amended Claim 15. Consequently, Claim 15 (and Claims 16 and 24

dependent therefrom) is patentable over Ikuo in view of Misawa.

Amended Claim 22 recites in part:

> storage means for storing broadcast contents
> information including the broadcasting time or date, and titles
> of the broadcast contents;
> communication means for *receiving from an external*
> *device a request for obtaining a number of times contents will*
> *be broadcasted during a future time period* and a search
> condition including at least one of a broadcasting period, a title,
> and a broadcasting station, said communication means
> *transmitting to said external device the information*
> *representing the number of times contents will be*
> *broadcasted during a future time period* as a response to the
> request; and
> control means for searching said storage and to
> *generate information representing said number of times*
> *contents will be broadcasted during a future time period*
> based on said search condition.

As noted above, the devices of Ikuo and Misawa cannot determine any broadcast

content information for content that *will be played in the future*, as the only data it receives

is actual broadcasted audio data. Thus, it is respectfully submitted that the proposed

combination does not describe any means for receiving from an external device a request for

obtaining a number of times contents *will be broadcasted during a future time period*,

means for transmitting to an external device information representing a number of times

contents *will be broadcasted during a future time period*, or means for generating

information representing a number of times contents *will be broadcasted during a future*

time period. Therefore, it is respectfully submitted that the proposed combination does not

teach "communication means" and "control means" as defined in amended Claim 22.

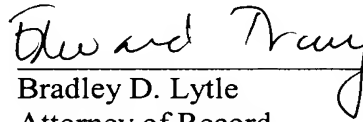Consequently, amended Claim 22 is patentable over Ikuo in view of Misawa.

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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